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December 12, 2022

VIA ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1610
New York, NY 10007

Re: *MSP Recovery Claims Series 44, LLC et al. v. Pfizer, Inc.*, Case No. 1:22-cv-09837-DLC

Dear Judge Cote:

We write on behalf of Defendant Pfizer Inc. (“Pfizer”) pursuant to this Court’s December 6, 2022 Order. (ECF No. 31.) The above referenced action is one of sixteen currently pending around the country related to Pfizer’s manufacture and sale of Chantix, the first of which was filed on August 12, 2021, which this Court dismissed with prejudice on February 16, 2022. *See Harris v. Pfizer Inc.*, 586 F. Supp. 3d 231, 246 (S.D.N.Y. 2022). Another such action, the first of three that were ultimately filed in the Southern District of Florida, *Abreu v. Pfizer, Inc.*, was transferred to this District in August 2022 and is pending before this Court. *See Abreu v. Pfizer, Inc.*, 2022 WL 3372104, at *1 (S.D. Fla. Aug. 16, 2022).

As you are aware, the *Abreu* action is currently stayed (*see* Ex. 1 (*Abreu v. Pfizer, Inc.*, No. 1:22-cv-01433-DLC)), and a plaintiff in one of the actions filed an MDL petition before the Judicial Panel on Multidistrict Litigation (the “Panel”) to centralize all of the related actions in the District of New Jersey. (*See* Ex. 2 (*In re: Chantix (Varenicline) Mktg., Sales Pracs., and Prods. Liab. Litig. (No. II)*, MDL No. 3050).) All parties agree that all sixteen of these actions should proceed in the same district. The dispute between the parties relates only to the appropriate district and mechanism for coordinating the cases. Pfizer has opposed that petition as it believes the appropriate forum for all of these cases is in this District and the transfer process under 28 U.S.C. § 1404 is currently working and should be allowed to play out before considering centralization. The Panel held a hearing on December 1, 2022. The parties in this action are awaiting a decision.

On November 10, 2022, Judge Moreno transferred *MSP* to this District for the same reasons he transferred *Abreu*. *See MSP Recovery Claims Series 44, LLC v. Pfizer, Inc.*, 2022 WL 17484308, at *1 (S.D. Fla. Nov. 10, 2022). Only one related action remains pending in the Southern District of Florida, *Houghton v. Pfizer, Inc.*, and Judge Moreno has agreed to lift the stay



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and permit briefing on transfer, ordering the plaintiff in that action to file, by December 15, 2022, “a written submission to the Court explaining why [*Houghton*] should not be transferred to the [S.D.N.Y.] despite this Court having already transferred . . . [*Abreu*] and [*MSP*].” (*See* Ex. 3 (*Houghton v. Pfizer, Inc.*, 1:21-CV-23987, ECF No. 19).)

Accordingly, Pfizer believes it is appropriate for *MSP* to be under the same stay as *Abreu*.

Pfizer will promptly notify the Court of the Panel’s decision.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Loren H. Brown'.
Loren H. Brown

cc: Counsel of Record